IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4452 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE H.K.RATHOD

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JASUBEN RASIKLAL SONI & 1 - Petitioner(s)

Versus

KASTURIBEN JAYCHAND VORA - Respondent(s)

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Appearance :
MR DA SURANI for Petitioner(s) : 1 - 2.
MS ARUNA N SHAH for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE H.K.RATHOD

Date : 07/02/2006

ORAL JUDGMENT

1. Heard learned Advocate, Mr.D.A.Surani, appearing on behalf of petitioners and learned Advocate, Ms.A.N.Shah, appearing on behalf of respondent.

2. In the present petition, the petitioners - workmen

have challenged the award passed by Labour Court, Surendranagar in Reference (LCS) No.1252 of 1989 dated 20th December,2002, wherein, Reference has been rejected by Labour Court, Surendranagar.

3. The dispute raised by the workmen against their termination before the Labour Court, Surendranagar. The contention was raised by the respondent that petitioners were working as a part-time and respondent is not an “industry” within the meaning of Section 2(j) of the I.D.Act,1947. The Labour Court has examined these two questions relying upon the decision of the Hon'ble Supreme Court and come to the conclusion that part-time workman is not a workman within the meaning of Section 2(s) of the I.D.Act,1947. The Labour Court has also examined the second contention on the basis of the evidence led before the Labour Court and also considering the documentary evidence produced by both the respective parties. Ultimately, Labour Court has come to conclusion that Trust, who was related to the religious, social and philosophical services and boarding, wherein, no charge has been taken by the Trust from the students, who are staying there. The Labour Court has also considered the decision of the Hon'ble Supreme Court in case of Bangalore Water Supply and Sewerage Board Vs. A. Rajappa

and others, reported in AIR 1978 SC 548. From the award of the Labour Court, Surendranagar, it appears that the respondent has followed the provisions of Section 25F of the I.D.Act.

4. I have considered the submissions made by both the learned Advocates. I have also perused the award passed by the Labour Court and considering the reasonings given by the Labour Court as well as the documents which were produced by the respective parties, according to my opinion, once the respondent has complied with the provisions of Section 25F of the I.D.Act, then, such termination cannot be considered to be illegal. Therefore, Labour Court has rightly decided the matter and adjudicated according to law. For that, Labour Court has not committed any error apparently on the face of record which require interference by this Court under Article 227 of the Constitution of India. Hence, there is no substance in the present petition. Present petition is dismissed with no order as to costs. Rule is discharged.

(H.K.RATHOD,J.)

(vipul)